S.B.Cr. Revision Petition No.1137/2006

(Gautam Chand vs. State of Rajasthan & Ors.)

Date of order : July 17, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.D.S.Udawat, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

The instant criminal revision petition has been filed by the complainant against the order dt. 30.8.2006 passed by the Judicial Magistrate, Jaitaran, Distt. Pali (for short `the trial court' hereinafter), whereby the trial court discharged the respondents No.2 and 3 since there was no material to presume that respondents No.2 and 3 committed the offence. The offence is triable and it was the complaint case, however, the complainant did not lead any pre-charge evidence and without there being any evidence before the trial court, in my view, the trial court was justified in discharging the respondents No.2 and 3.

In the circumstances, therefore, I do not find any error, illegality or perversity in the order impugned. The revision petition has no merit and, therefore, the same is dismissed.

(H.R.PANWAR),J.

m.asif/-